



City of Covington
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Washington State
Supreme Court

Washington State Supreme Court
PO Box 40929
Olympia, WA 98504

Re: Comments on Proposed Changes to the Standards for Indigent Defense

Dear Honorable Justices,

On behalf of the City of Covington, I am writing to express our concerns regarding the proposed amendments to the Standards for Indigent Defense as outlined in CrR 3.1, CrRLJ 3.1, and JuCR 9.2. While we firmly support the constitutional right of every defendant to effective assistance of counsel, we believe the proposed revisions will present significant challenges for our city.

The amendments are based on a national study by the RAND Corporation (Research and Development) organization, which calls for a closer local analysis before the adoption of any statewide changes. The report itself suggests that the most accurate caseload model is developed specifically for an individual state or jurisdiction. Given this, we strongly advocate for a Washington-state specific study conducted by a neutral researcher to ensure that any changes are appropriately tailored to our unique circumstances.

The proposed recommendations, if implemented, will exacerbate existing challenges within our criminal justice system. Covington, like many cities, already faces workforce shortages, and the need to triple the number of public defense attorneys within a short timeframe is neither feasible nor practical. The financial burden of an estimated \$400 million annually for cities to comply with these standards is beyond our current capacity, especially given the statutorily and constitutionally limited funding sources for our general fund.

Furthermore, adopting these standards without adequate workforce and funding will likely lead to more criminal cases being dismissed due to a lack of defense counsel, leaving crime victims without judicial resolution. This is particularly concerning for serious misdemeanor cases such as DUI and domestic violence.

We recommend the Court to consider only those portions of the proposed revisions that are feasible and achievable within current limits, such as the training and qualification requirements for misdemeanor public defenders. Additionally, we propose exempting adult misdemeanors from the revisions or delaying their implementation to allow time to build the necessary workforce and secure sufficient funding.

The City of Covington is committed to working collaboratively to address the challenges within our public defense system. We appreciate the opportunity to provide our comments on the proposed revisions and welcome any further discussions on this critical matter.

Sincerely,

Jeff Wagner, Mayor
City of Covington

growing toward greatness.



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